

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ASTRAZENECA AB,

Plaintiff,

v.

Civil Action 09-01037 (HHK)

**DAVID KAPPOS, Under Secretary of
Commerce for Intellectual Property and
Director of the United States Patent and
Trademark Office**

Defendant.

ORDER

Upon consideration of the parties' Joint Motion to Lift Stay and Remand [#8], and the record herein, it is this 2nd day of July 2010, hereby

ORDERED that the motion is **GRANTED**; and it is further

ORDERED that the stay issued in this case is lifted and that the case is hereby administratively reopened; and it is further

ORDERED that the Plaintiff's existing patent-term calculation is hereby **VACATED**; and it is further

ORDERED that the matter is **REMANDED** to the United States Patent and Trademark Office ("USPTO") for recalculation and adjustment of the disputed patent term in accordance with the decision of the United States Court of Appeals for the Federal Circuit in *Wyeth & Elan Pharma Int'l Ltd. v. Kappos*, 591 F.3d 1364 (Fed. Cir. 2010), and consistent with the USPTO's published interim procedure for such calculations.

Henry H. Kennedy, Jr.
United States District Judge